

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

822641

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In Re:

ANTHONY R. BROOKS, JR

SHERIE N. BROOKS



Order Filed on May 29, 2019 by
Clerk U.S. Bankruptcy Court
District of New Jersey

Case No: 18-34018 - JNP

Hearing Date: May 14, 2019

Judge: Jerrold N. Poslusny Jr.

Recommended Local Form:



Followed



Modified

ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH CONDITIONS

The relief set forth on the following pages, numbered two (2) through four (4) is hereby **ORDERED**.

DATED: May 29, 2019

A handwritten signature in black ink, appearing to read "Jerrold N. Poslusny, Jr.", written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

Applicant: Wells Fargo Bank, N.A.
Applicant's Counsel: Phelan Hallinan Diamond & Jones, PC
Debtor's Counsel: BRAD J SADEK, Esquire
Property Involved ("Collateral"): 712 Sherwood Drive, Williamstown, NJ 08094

Relief sought: ☒ **Motion for relief from the automatic stay**
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for **5** months, from **January 1, 2019** to **May 1, 2019**.

☒ The Debtor is overdue for **5** payments at **\$1,688.43** per month.

☐ The Debtor is assessed for _____ late charges at \$ _____ per month.

☐ Applicant acknowledges suspense funds in the amount of \$ _____.

Total Arrearages Due \$8,442.15.

2. Debtor must cure all post-petition arrearages, as follows:

☐ Immediate payment shall be made in the amount of \$ _____. Payment shall be made no later than _____.

☒ Beginning on **June 1, 2019**, regular monthly mortgage payments shall continue to be made.

☐ Beginning on _____, additional monthly cure payments shall be made in the amount of \$ _____ for _____ months.

☒ The amount of **\$8,442.15** shall be capitalized in the debtor's Chapter 13 plan. Said amount shall be set up on Trustee's ledger as a separate Claim. Debtor(s) shall file a Modified Plan within 10 days from the entry of this Order to account for the additional arrears to be paid to the secured creditor via Chapter 13 Plan and to adjust monthly payments to the Chapter 13 Trustee accordingly.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment:

☒ Regular Monthly payment:

Wells Fargo Home Mortgage
PO Box 14507
Des Moines, IA 50306

☐ Monthly cure payment:

4. In the event of Default:

☒ Should the Debtors fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorney's fees of \$_____, and costs of \$_____.

The fees and costs are payable:

☐ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.

6. This Agreed Order survives any loan modification agreed to and executed during the instant bankruptcy.